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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,716	12/11/2003	Paul Brent Rivers	030578	8549

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KIRKPATRICK & LOCKHART LLP
535 SMITHFIELD STREET
PITTSBURGH, PA 15222

EXAMINER

CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,716

Applicant(s)

RIVERS ET AL.

Examiner

PAUL T. CHIN

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3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5,7-16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Forbes (623,468).

Forbes (623,468) discloses a storage device comprising a base (A,B) having a tool tray portion having one tool receiving opening (Fig. 2), and storage bin portion (A or B) having at least one compartment; at least one removable and threaded pedestal (S); at least one member (C), which can be considered as one hanger, connected to the pedestal. It is pointed out that Forbes discloses all the structural limitations while the intended use (*i.e. for use with a cable connected to at least a portion of an elevated structure*) is not patentably significant.

Re claim 5, one accessory hook (w) connected to the base (A,B).

Re claims 11,12, and 19, the removable member (F), which can be considered as a liner connected to the hanger (C).

Re claims 13-15, a handle (E) is connected to both of the pedestals (S,S) and a loop (below the handle) is connected to the handle.

3. Claims 1-5,7-11,13-16,and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Judge (1,552,856).

Judge (1,552,856) discloses a storage device comprising a base (4) having a tool tray portion having one tool receiving opening (5), and storage bin portion (6) having at least one compartment; at least one removable pedestal (20,21) threadedly connected to a handle by a threaded bolt (27); at least one hanger (23) (quick release) connected to the pedestal (20,21). It is pointed out that Judge (1,552,856) discloses all the structural limitations while the intended use (*i.e. for use with a cable connected to at least a portion of an elevated structure*) is not patentably significant.

Re claim 5, one accessory hook (28) connected to the base (4).

Re claim 9, a washer (Fig. 2), which can be considered as a loop, connected to the pedestal (20,21).

Re claims 11 and 19, an opening (24), which can be considered as a liner, connected to a portion of the hanger (23) which engaged.

Re claims 13-16 and 20, a handle (17,14) is connected to both of the pedestals (20,21) and a loop (one of 15 or 16) is connected to the handle.

4. Claims 1-9, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kearney (1,928,594).

Kearney (1,928,594) discloses a storage device comprising a base (16 or 20) having a tool tray portion having one tool receiving opening (Figs. 1 and 2), and storage bin portion having at least one compartment; at least one removable and threaded pedestal (S); at least one member (11), which can be considered as one hanger, connected to the pedestal. It is pointed out that the reference discloses all the structural limitations while the intended use (*i.e. for use with a cable connected to at least a portion of an elevated structure*) is not patentably significant.

Re claim 5, one accessory hook (25) connected to the base (20).

Re claims 6 and 17, a first portion of the hinged (28) pedestal and a second portion of the hinged (28) pedestal are connected as shown in figure 6.

Re claims 7 and 8, the pedestal (connection by bolt 21) is threadably removable as shown in figure 2.

Re claim 9, a loop (40) is connected to the pedestal.

Re claims 13 and 14, a handle (19) with a loop at its end, is connected to both of the pedestals (10).

5. Claims 1-5,9-16,19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hastings (4,294,348).

Hastings (4,294,348) discloses a storage device comprising a base (12,32) having a tool tray portion having one tool receiving opening (Figs. 1 and 2), and storage bin portion having at least one compartment; at least one pedestal (24); at least one hanger (36) connected to the pedestal; a liner (40) connected to the hanger (36). It is pointed out that the reference discloses all the structural limitations while the intended use (*i.e. for use with a cable connected to at least a portion of an elevated structure*) is not patentably significant.

Re claim 5, one accessory hook (40) connected to the base (32).

Re claim 9, a loop (38) is connected to the pedestal via hanger (36).

Re claims 13 and 14, a handle (28) is connected to both of the pedestals (24).

Re claim 15, a substantially loop (formed at the upper) being connected to the handle (see Figs. 1 and 2).

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6. Claims 1-5, 13-16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Abrams (3,966,103).

Abrams (3,966,103) discloses a storage device comprising a base (13,21) having a tool tray portion having one tool receiving opening (Figs. 1 and 2), and storage bin portion having at least one compartment; at least one pedestal (22); at least one hanger (32) connected to the pedestal; and a handle (31) with a hook or loop. It is pointed out that the reference discloses all the structural limitations while the intended use (*i.e. for use with a cable connected to at least a portion of an elevated structure*) is not patentably significant.

Re claim 5, one accessory hook (18) connected to the base (32).

Re claim 9, a loop (38) is connected to the pedestal via hanger (36).

Re claims 13 and 14, a handle (28) is connected to both of the pedestals (24).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PAUL T. CHIN
Examiner
Art Unit 3652

A handwritten signature in black ink, appearing to read "Paul Chin", written in a cursive style.